

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MILTON BAYTOPS,

Plaintiff,

Case No. 4:20-cv-11630

Hon. Matthew F. Leitman

v.

STEVE SLOMINSKI, et al.,

Defendants.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
(ECF No. 43) AND (2) GRANTING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT (ECF No. 18)**

Plaintiff Milton Baytops is a state inmate in the custody of the Michigan Department of Corrections. On June 8, 2020, Baytops filed a *pro se* civil-rights Complaint in the Western District of Michigan under 42 U.S.C. § 1983. (*See* Compl., ECF No. 1.) He alleged, among other things, that Michigan State Police Detective Sergeant Scott Wood subjected him to excessive force. (*See id.*) This action was transferred from the Western District to this Court on June 22, 2020. (*See* ECF No. 3.)

On October 19, 2020, Wood filed a Motion for Summary Judgment. (*See* Mot., ECF No. 18.) Wood's motion was referred to the assigned Magistrate Judge. On May 26, 2021, the Magistrate Judge issued a Report and Recommendation in

which he recommended that the Court grant Wood's motion (the "R&R"). (*See* R&R, ECF No. 43.) In the R&R, the Magistrate Judge explained that Baytops failed to meet his burden of demonstrating a genuine issue of material fact about Wood's involvement in any of the excessive force alleged in the Complaint. (*See id.*, PageID.470.) The Magistrate Judge also explained that Baytops failed to meet his burden of establishing a genuine issue of material fact with respect to Wood's liability under a theory of supervisory liability. (*See id.*, PageID.474-475.) Finally, the Magistrate Judge concluded that Wood was entitled to qualified immunity. (*See id.*, PageID.478.) For all of these reasons, the Magistrate Judge recommended that the Court grant Wood's Motion for Summary Judgment. (*See id.* at PageID.479.) At the conclusion of the R&R, the Magistrate Judge informed Baytops that if he wanted to seek review of the R&R, he needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.480-481.)

Baytops has not filed any objections to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Baytops has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommended disposition of Wood's Motion for Summary Judgment (ECF No. 18) is **ADOPTED**.

IT IS FURTHER ORDERED that Wood's Motion for Summary Judgment (ECF No. 18) is **GRANTED**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: July 8, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 8, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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